REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicants thank the Examiner for entering the amendments filed in response to the Office Action dated October 1, 2009.

Claims 48-62 and 64-71 were pending. By way of the present Reply, claims 48-51, 54-59, and 61 are currently amended and claims 53 and 68 are cancelled. Claim 55 has been amended to include the elements of cancelled claim 53. Claims 49-51, 54, 57, and 59 are not amended for reasons related to patentability. Claims 48-52, 54-62, 64-67, and 69-71 are currently pending and submitted for reconsideration.

Claim Rejections under 35 U.S.C. § 112

Claims 48-51, 53-59, 61, and 68 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements. Claims 53 and 68 have been cancelled. The rejection of claims 53 and 68 is therefore moot. Claims 48-51, 54-59, and 61 have been amended as appropriate. Applicants respectfully request reconsideration and withdrawal of the outstanding 35 U.S.C. § 112 rejection.

Rejection of claims 48 and 56 based on Cooklev and Abdeliah

Claims 48 and 56 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,574,218 ("Cooklev") in view of U.S. Published Application No. 2006/0209898 ("Abdeliah").

Claim 48

Independent claim 48 requires, amongst other things, decision means "based on at least one of the following events (i) and (ii): (i) comparing the number of encoded data actually acquired in a preset period and the number of encoded data expected to be acquired in said period, and determining that data has been delayed in arrival or lost when there is a difference between the number of data acquired and the number of data expected to be acquired, and (ii) attempting to acquire the encoded data in a preset period and, when the attempt to acquire encoded data has failed, determining that the data has been delayed in arrival or lost, wherein the acquired data is the same as the data acquired in a previous

period," and, "control means for performing control so that, if the result of said decision indicates that the data from at least one of said first and second communication networks has been delayed in arrival or lost, data for causing a destination terminal of transmission on the other communication network to execute error concealment processing is generated when the number of data actually acquired is less than the number of data expected to be acquired or data acquired is discarded when the number of data actually acquired exceeds the number of data expected to be acquired."

Cooklev is directed to a system and method for providing multimedia data streaming over a mixed network. (Cooklev, abstract). Cooklev discloses that redundant low-resolution information is included in each packet in the eventuality that the original higher resolution packet 622 becomes lost. (Cooklev, col. 8, lines 4-11). If a lost packet is "important," the missing packet reconstruction block or process 710 tries to recover a lower-quality version of the lost data from other packets." (Cooklev, col. 9, lines 47-51). If the lost packet is determined to be "not important," the packet processor 704 increases the quality of the multimedia presentation by filling the gaps that are missing. (Cooklev, col. 10, lines 14-25). In short, Cooklev discloses that data can only be determined as important, and subsequently recovered, if redundant data is provided in advance. In contrast, claim 1 does not require redundancy. More importantly, Cooklev fails to disclose, teach, or suggest, "control means for performing control so that, if the result of said decision indicates that the data from at least one of said first and second communication networks has been delayed in arrival or lost, data for causing a destination terminal of transmission on the other communication network to ***execute error concealment processing is generated when the number of data actually acquired is less than the number of data expected to be acquired or data acquired is discarded when the number of data actually acquired exceeds the number of data expected to be acquired***," as recited in claim 48. (Emphasis added).

The Office recognizes that Cooklev fails to disclose, teach, or suggest (i) comparing the number of encoded date actually acquired in a preset period and the number of encoded data expected to be acquired in said period; and (ii) whether or not succeeding in acquiring encoded data upon attempting to acquire the encoded data in a preset period. (Office Action, pg. 4). The Office, however, relies on Abdeliah to cure the deficiencies of Cooklev. Applicants respectfully disagree; Abdeliah fails to cure the deficiencies of Cooklev.

Abdeliah discloses a network congestion detection and automatic correction system 100 for a packet network 102. (Abdeliah, para. 0026). A speed, video, or data session is set up between two H.323 terminals executing compression/decompression algorithms. (Abdeliah, para. 0031). A processing loop 300 is passed through once for each packet received at an end point in detecting network congestion or the absence of network congestion. (Abdeliah, para. 0038). Each time a packet is received in a block 301, a first decision block 303 determines whether or not there are any missing packets. (Abdeliah, para. 0038). Block 303 determines a packet is missing by checking the packet sequence number or by keeping a running count of the number of encoded packets or by keeping a running count of encoded packets or a current time base counter to determine when to expect the next packet. In short, Abdeliah discloses that it is determined whether there are any missing packets. Abdeliah, however, fails to disclose, teach, or suggest, "control means for performing control so that, if the result of said decision indicates that the data from at least one of said first and second communication networks has been delayed in arrival or lost, data for causing a destination terminal of transmission on the other communication network to ***execute error concealment processing is generated when the number of data actually acquired is less than the number of data expected to be acquired or data acquired is discarded when the number of data actually acquired exceeds the number of data expected to be acquired***," as recited in claim 48. (Emphasis added).

Moreover, Abdeliah discloses that the upon receipt of a packet, loss determination is performed based on the sequence number and time lapsed from the previous time. (Abdeliah, Figure 2). Based on the determination, the bit rate of the packet to be controlled is adjusted in accordance with the threshold. (Abdeliah, para. 0042). In short, Abdeliah discloses that loss determination is performed upon receipt of a packet and that loss determination is performed based on the sequence number and the time lapsed from the previous time. Abdeliah, therefore, fails to disclose, teach, or suggest, "based on at least one of the following events (i) and (ii): (i) comparing the number of encoded data actually acquired in a preset period and the number of encoded data expected to be acquired in said period, and determining that data has been delayed in arrival or lost when there is a difference between the number of data acquired and the number of data expected to be acquired, and (ii) attempting to acquire the encoded data in a preset period and, when the attempt to acquire encoded data has failed, determining

that the data has been delayed in arrival or lost, wherein the acquired data is the same as the data acquired in a previous period," as recited in claim 48.

Claim 56

Independent claims 56 recites, "(i) comparing the number of encoded data actually acquired in a preset period and the number of encoded data expected to be acquired in said period, and determining that data has been delayed in arrival or lost when there is a difference between the number of data acquired and the number of data expected to be acquired, and (ii) attempting to acquire the encoded data in a preset period and, when the attempt to acquire encoded data has failed, determining that the data has been delayed in arrival or lost, wherein the acquired data is the same as the data acquired in a previous period; and (b) a step of said gateway apparatus generating data for causing a destination terminal of transmission to execute error concealment processing when the number of data actually acquired is less than the number of data expected to be acquired or discarding encoded data acquired when the number of data actually acquired exceeds the number of data expected to be acquired, in case the result of said decision indicates that data from at least one of said first and second communication networks has been delayed in arrival or lost." Claim 56 is at least allowable for similar and/or analogous reasons to those of independent claim 48.

Applicants respectfully request reconsideration and withdrawal of the outstanding 35 U.S.C. § 103 rejection.

Rejection of claims 49-51, 57-59, and 68 based on Cooklev, Abdeliah, and Joseph

Claims 49-51, 57-59, 61, and 68 are rejected under 35 U.S.C. § 103 as being unpatentable over Cooklev in view of Abdeliah and U.S. Patent No. 6,973,024 ("Joseph"). Claim 68 has been cancelled. The rejection of claim 68 is therefore moot.

Claim 61

Independent claims 61 recites, "(a1) a step of said gateway apparatus deciding on whether encoded data from a line-switched network has been delayed in arrival or lost; and (b1) a step of said gateway apparatus generating data by error concealment processing when the number of data acquired is less than the number of data expected to be acquired or discarding encoded data acquired when the number of data acquired exceeds the number of data expected to be acquired, in case the result of said decision indicates that the encoded data

from said line-switched network has been delayed in arriving or lost;." Claim 61 is at least allowable for similar and/or analogous reasons to those of independent claim 48.

Claims 49-51 and 57-59

Claims 49-51 and 57-59 depend from independent claims 48 and 56 respectively. As previously mentioned, neither Cooklev nor Abdeliah (alone or in combination) disclose the elements of claims 48 and 56. Joseph fails to cure the deficiencies of Cooklev or Abdeliah. Because none of Cooklev, Abdeliah, nor Joseph disclose the elements of claims 48 and 56, claims 48 and 56 and dependent claims 49-51 and 57-59 are allowable. Applicants respectfully request reconsideration and withdrawal of the outstanding 35 U.S.C. § 103 rejection.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 4/2/2010 By _____

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